IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

RP.No. 535 of 2005(W)

AGAINST THE JUDGEMENT IN WPC.3140/2005 Dated 28/01/2005
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REVIEW PETITIONERS/RESPONDENTS:
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1. THE EXCISE COMMISSIONER,
THIRUVANANTHAPURAM.

2. ADDITIONAL EXCISE COMMISSIONER,
THIRUVANANTHAPURM.

3. THE ASST.EXCISE COMMISSIONER, PALAKKAD.

BY GOVERNMENT PLEADER (SMT. M.R. SREELATHA)

RESPONDENT/PETITIONER:

P.P. KOYAMMU, S/O. ALI,
CHETTILTHODUKAYIL HOUSE,
PARAMBIL P.O., MERIKUNNU, KOZHIKODE.

BY ADV. SRI.BABU KARUKAPADATH

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 31/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. M. JOSEPH, J.

R.P. NO. 535 OF 2005
IN
W.P.C. NO. 3140 OF 2005 W

Dated this the 31st January, 2007

ORDER

I heard the learned Government Pleader and the learned counsel for the respondent.

2. Complaint of review petitioners is that this Court had by the Judgment in the Writ Petition directed first respondent to consider the Revision Petition in accordance with law and further ordered that Exts.P1 and P2 orders shall be kept in abeyance for two weeks. But, it is pointed out that even before the Judgment, petitioner was informed that the Revision Petition could not be considered as the petitioner has no right to file Revision before the Excise Commissioner in the light of the Judgment. It is stated further that sanction was accorded to dispose of the vehicle through public auction. As the vehicle was not produced, the Bank Guarantee for Rs.1,03,000/= being the security for temporary release has been forfeited to the

Government. It is pointed out that these facts could not be brought to the notice of this Court. Learned counsel appearing for the respondent herein does not dispute these facts. In such circumstances, I feel that the directions contained in the Judgment need not be complied with.

3. The Review Petition is allowed recording the statement of facts as referred to by me, and the Writ Petition is dismissed as infructuous.

K. M. JOSEPH, JUDGE

kbk.